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8 UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF CALIFORNIA
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11 ROBERT WOOTEN,

12 Plaintiff,

13 v.

14 THE STATE OF CALIFORNIA, et al.,

15 Defendants.
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No. 2:22-cv-00850 TLN CKD (PS)

ORDER

17 This action was dismissed with prejudice on August 16, 2022. (ECF Nos. 7 & 8.) Before
18 the court is plaintiff's September 2, 2022 motion to set aside the judgment. (ECF No. 9.)

19 A district court may reconsider a ruling under either Federal Rule of Civil Procedure 59(e)
20 or 60(b). See Sch. Dist. Number. 1J, Multnomah County v. ACandS, Inc., 5 F.3d 1255, 1262 (9th
21 Cir. 1993). "Reconsideration is appropriate if the district court (1) is presented with newly
22 discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3)
23 if there is an intervening change in controlling law." Id. at 1263.


24 Here, plaintiff has not shown that reconsideration of the judgment is warranted. The
25 court's decision to dismiss this action with prejudice was not clearly erroneous nor manifestly
26 unjust, and none of the other factors apply. Plaintiff's motion lacks merit and will be denied.

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1 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion to set aside the judgment
2 (ECF No. 9) is denied.

3 Dated: October 4, 2022

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CAROLYN K. DELANEY
5 UNITED STATES MAGISTRATE JUDGE
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